

## ROBERT GRIFFIN

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 NOVEMBER 12, 1943.—Ordered to be printed
 

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Mr. ELLENDER, from the Committee on Claims, submitted the following

## REPORT

[To accompany H. R. 302]

The Committee on Claims, to whom was referred the bill (H. R. 302) for the relief to Robert Griffin, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The facts will be found fully set forth in House Report No. 727, Seventy-eighth Congress, first session, which is appended hereto and made a part of this report.

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[H. Rept. No. 727, 78th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (H. R. 302) for the relief of Robert Griffin, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

Line 8, after the word "injuries" insert " , medical and hospital expenses incident thereto."

At the end of bill, strike out the period and add " : *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The purpose of the proposed legislation is to pay the sum of \$1,616.50 to Robert Griffin, of Milton, Fla., in full settlement for all claims against the United States for personal injuries, medical and hospital expenses incident thereto sustained when a United States Navy vehicle struck him near Saufley Field, Pensacola, Fla., on February 16, 1942.

## STATEMENT OF FACTS

It appears that Mr. Griffin had parked his car on Public Highway No. 544, on the extreme right-hand side of the road, just outside the entrance to Saufley Field, near Pensacola, Fla. He was standing at the rear of his parked car when Sergeant Ewing backed into Griffin's car, pinning him between the two cars:

The accident happened about 6:15 a. m., and it was dark and rainy. The evidence as to the lights is conflicting, one witness stating that the vehicles had lights and another one denying it. However, it appears from the evidence that the injury sustained by Mr. Griffin was through no fault or negligence on his part, but through the negligence of the driver of the Navy car. Mr. Griffin was seriously injured and evidently sustained much pain and suffering. His left knee was pinned between the two vehicles and the kneecap was broken in two places.

According to Dr. Mayhew W. Dodson, practicing physician of 17 years' experience in the city of Pensacola, Fla., who treated the patient, Mr. Griffin was totally disabled from February 26, 1942, until December 1, 1942, and could not follow a gainful occupation during such time. He also states that Mr. Griffin has a 25-percent permanent disability as to the function of his left knee, occasioned by this accident. Mr. Griffin was confined to the Pensacola Hospital for 17 days or more and used crutches for approximately 3 months.

The Navy Department has no objection to the enactment of this legislation. Therefore, your committee recommend favorable consideration to the bill and append hereto the report of the Navy Department, together with other pertinent evidence.

NAVY DEPARTMENT,  
OFFICE OF THE JUDGE ADVOCATE GENERAL,  
Washington, D. C., June 20, 1942.

The Honorable BOB SIKES,  
*House of Representatives, Washington, D. C.*

SIR: In compliance with your request of May 23, 1942, an investigation has been made of the circumstances surrounding the accident to Mr. Robert Griffin, due to the operations of Navy vehicle No. 14209, driven at the time by Sgt. H. V. Ewing, U. S. M. C.

It appears from report of the commandant of the Naval Air Station, Pensacola, Fla., that on February 16, 1942, Mr. Griffin had parked his automobile on public highway No. 544 on the extreme right side of the road headed in a northerly direction just outside the entry to Saufley Field near Pensacola, Fla.

Mr. Griffin was standing at the rear (south end) of his parked car. Sergeant Ewing had driven the Government vehicle to the guard house at Saufley Field and then backed it into public highway No. 544 and into the rear of Mr. Griffin's car pinning Mr. Griffin between the two vehicles.

The accident occurred at 6:15 a. m. on a dark, rainy day and the highway was wet and slippery. The testimony as to lights is conflicting, one witness stating that the vehicles carried lights and another witness denying it. The commandant states that it is immaterial whether or not the Government vehicle's lights were burning as no rear spotlight was carried and the ordinary tail light did not afford the driver any illumination inasmuch as he backed into the highway.

As a result of the accident Mr. Griffin's kneecap was broken in two places, necessitating his confinement in the Pensacola Hospital for approximately 3 weeks. Under date of June 10, 1942, the commandant reports that the available information discloses that Mr. Griffin at that time had not recovered the complete use of his injured knee, which functioned with only about 75 percent knee action; that the knee still retained some stiffness and requires regular physiotherapy treatments; that this injury is responding to treatment in a normal manner and complete recovery should be had within 4 to 6 months from that date, with no permanent after effects. However, no determination can be made as to the permanence of recovery until treatments have been completed. Mr. Griffin was relieved of the necessity of using crutches approximately 30 days ago.

Mr. Griffin's business was that of a roofing salesman and the Navy Department is without information as to whether or not he has engaged in any other occupation during the period subsequent to the accident, while unable to continue his usual business.

Mr. T. Franklin West, attorney for Mr. Griffin, in his letter to you of May 18, 1942, which accompanied your communication, stated his understanding "that the sailors have been required to carry property-damage and personal-injury insurance." The commandant of the Pensacola Air Station reports that no regulation is in effect requiring naval personnel attached to that station to carry property-damage and personal-injury insurance while operating a Government vehicle.

Any relief that may be afforded Mr. Griffin through governmental sources would be through a special act of Congress. In similar cases where persons have

been injured without negligence on their part through the operations of naval personnel, it has been the practice of the Navy Department to interpose no objection to the enactment of bills introduced in Congress for their relief.

The letter addressed to you by Mr. West is herewith returned, in compliance with your request.

Very truly yours,

W. B. WOODSON,  
*Judge Advocate General of the Navy.*

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AFFIDAVIT OF ROBERT GRIFFIN

STATE OF FLORIDA,

*County of Santa Rosa, ss:*

I, Robert Griffin, after having been first duly sworn upon my oath depose and say:

That I received a severe knee injury on February 16, 1942, when a United States Navy vehicle backed into my automobile, which was parked on Highway No. 544, just outside the entrance to Saufley Field, near Pensacola, Fla., and pinned me between the two vehicles; that it was impossible for me to pursue gainful employment from February 16, until December 1, 1942; that according to my doctors I have a 25-percent permanent disability as to functioning of my injured knee; that my ambulance, hospital, and doctors' bills occasioned by said injury total \$267; that the damage to my automobile totals \$35; that at the time of my injury I was working for the Henderson Roofing & Contracting Co. on a commission basis and making not less than \$200 per month; that I was without employment for a period of 9½ months; that during the time I was without employment my loss and commission amounted to \$1,900; that while I was totally disabled during the period of 9½ months a conservative estimate of my household and family expense was \$90 per month, totaling \$855; and that my total loss, which includes all expenses and the loss of commissions due to my inability to work, totals \$3,570.

ROBERT GRIFFIN.

Sworn to and subscribed before me this the 29th day of March A. D. 1943.

[SEAL]

C. L. JOHNSON,  
*County Judge, Notary Public.*

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AFFIDAVIT OF W. A. HENDERSON

STATE OF FLORIDA,

*County of Escambia, ss:*

I, W. A. Henderson, after having been first duly sworn, upon my oath, depose and say:

That I have been the owner of the Henderson Roofing & Construction Co., of Pensacola, Fla., continuously, since prior to February 16, 1942, and still am the owner of said business; that Robert Griffin was permanently employed by Henderson Roofing & Construction Co. prior to February 16, 1942, and on said date; that Robert Griffin was employed as a salesman by said company, on a commission basis, during the month of July 1940, and was in the employ, continuously, of the Henderson Roofing & Construction Co. until his left knee was injured, which injury occurred on February 16, 1942, that from the date of the injury of Robert Griffin and for an additional period of time, approximating 10 months, he was not physically able to perform his duties and responsibilities; that Robert Griffin was considered one of the leading salesmen of the Henderson Roofing & Construction Co.; that, during the time Robert Griffin was actively working for the Henderson Roofing & Construction Co., his average weekly earnings approximated \$50; and that Robert Griffin was not able to perform his required work with the Henderson Roofing & Construction Co. during the period of his injury and convalescence, which deprived Robert Griffin of a large portion of his livelihood, and I am not related by either blood or marriage to Robert Griffin.

W. A. HENDERSON.

Subscribed in my presence and sworn to before me this 28th day of July A. D. 1943.

[SEAL]

DALE E. YOUNG, *Notary Public.*

My commission expires October 6, 1945.

## ROBERT GRIFFIN

## AFFIDAVIT OF JAMES E. SCHILLER

STATE OF FLORIDA,  
County of Escambia, ss:

I, James E. Schiller, after having been first duly sworn upon my oath depose and say:

That I was at the scene of the injury to Robert Griffin which occurred on February 16, 1942, when a United States Navy vehicle backed into the automobile of Robert Griffin, which was parked on Highway No. 544, just outside of the entrance of Shaufley Field near Pensacola, Fla., and pinned the said Robert Griffin between the two vehicles; that at the time of the injury Robert Griffin was endeavoring to get an outboard motor out of the back of his automobile; that the vehicle belonged to the United States Navy and was being backed up and backed into the back part of Robert Griffin's automobile; that at the time the vehicle belonging to the United States Navy was being backed up and contacted the back of the automobile of Robert Griffin it pinned Robert Griffin between the two said motor vehicles causing a severe knee injury to Robert Griffin; that when the motor vehicle belonging to the United States Navy began backing up I hollowed and told the driver thereof he was about to hit a person but my efforts to stop said accident were too late; and that Robert Griffin did not contribute to the cause of said accident and could not do anything to prevent it.

JAMES E. SCHILLER, *Affiant.*

Sworn to and subscribed before me this the 31st day of March A. D., 1943.

[SEAL]

FAITH BINKLEY, *Notary Public.*

My commission expires January 31, 1945.

## AFFIDAVIT OF JOHN J. MCGUIRE

STATE OF FLORIDA,  
County of Escambia, ss:

I, John J. McGuire, after having been first duly sworn, upon my oath, depose and say:

That I have been a practicing medical doctor, in Pensacola, Fla., for the immediate last past 11 years; that on May 18, 1942, Robert Griffin was referred to me for treatment by Dr. Mayhew W. Dodson; that I treated the left knee of Robert Griffin as it was stiff and needed to be limbered up; that my charges for said physical therapy in behalf of Robert Griffin were \$24, as per statement hereto attached, which account is still past due and unpaid; that I treated Robert Griffin's injured left knee for 1 month; and that I am not related by either blood or marriage to Robert Griffin.

JOHN J. MCGUIRE, *M. D.*

Subscribed in my presence and sworn to before me this the 21st day of July A. D. 1943.

[SEAL]

JUDITH SWEET, *Notary Public.*

My commission expires February 20, 1947.

## AFFIDAVIT OF SISTER MARY CYRIL

STATE OF FLORIDA,  
County of Escambia, ss:

I, Sister Mary Cyril, after having been first duly sworn, upon my oath, depose and say:

That I am bookkeeper of the Pensacola Hospital, Pensacola, Fla.; that according to the records of said hospital it appears that Robert Griffin was confined to the Pensacola Hospital from February 18, 1942, until March 7, 1942, at which time he was treated for an injury to his left knee: and that Robert Griffin became indebted to said hospital in the sum of \$95.75, as per the statement hereto attached, which account is still past due and unpaid.

SISTER MARY CYRIL.

Subscribed in my presence and sworn to this 19th day of July A. D. 1943.

[SEAL]

SISTER COLETTE WALSH,  
*Notary Public, State of Florida at large.*

My commission expires May 23, 1945.



## AFFIDAVIT OF MAYHEW W. DODSON

STATE OF FLORIDA,

*County of Escambia, ss:*

I, Mayhew W. Dodson, after having been first duly sworn, upon my oath, depose and say:

That I am a practicing physician in the city of Pensacola, Fla., and have been practicing medicine for the immediate last 17 years; that I possess the degree of doctor of medicine; that I am not related to Robert Griffin by either blood or marriage; that I treated Robert Griffin for the injury he received to his left knee on February 16, 1942; that I operated on his left knee at the Pensacola Hospital in Pensacola, Fla.; that Robert Griffin was permanently disabled from February 16, 1942, until December 1, 1942; that Robert Griffin was unable to return to work from the date of his injury until December 1, 1942, and could not follow a gainful occupation during said period of time; that Robert Griffin has a 25 percent permanent disability as to the function of his left knee, occasioned by said injury; and that the costs of my services to Robert Griffin are \$125, as per statement hereto attached, which account is still past due and unpaid.

MAYHEW W. DODSON, M. D.

Subscribed in my presence and sworn to before me this 20th day of July A. D. 1943.

[SEAL]

\_\_\_\_\_, *County Judge.*MILTON, FLA., *July 20, 1942.*

Re: Robert Griffin.

Hon. ROBERT F. SIKES,

*Member of Congress, Washington, D. C.*

DEAR BOB: When you were in Milton on a recent visit to this district, it was a pleasure to have talked with you and Robert Griffin, in my office, about the claim bill you would file in behalf of Robert Griffin. As I have heretofore related the circumstances of the event to you, I will not again do so.

In compliance with your suggestion, herewith I hand you certain information you have requested, viz:

(1) Statement of account of Pensacola Hospital.....	\$92, 50
(2) Statement of account of Mayhew W. Dodson, M. D.....	150. 00
(3) Statement of account of John J. McGuire, M. D.....	24. 00
(4) Robert Griffin's actual expenses conservatively are \$20 per week. He has been deprived from making any remuneration for a period of 6 months and according to the doctors it will be approximately 9 months before his condition will again be normal. Estimating his living expenses for himself and his family at \$90 per month, for the 15-month duration, he should be recompensed to the extent of.....	1, 350. 00

As Robert Griffin's actual expenses for said accident and disability, which was actuated by the Federal Government, aggregates \$1,616.50, I presume you will file a claim bill requesting the Government to compensate Robert Griffin in an amount of not less than the sum total herein stated. Naturally you know what to do about this.

Please advise us what you will do and when it will occur. With the kindest regards, I am

Cordially yours,

T. FRANKLIN WEST,  
*Attorney at Law.*PENSACOLA, FLA., *July 15, 1942.*

Mr. Robert Griffin, Milton, Fla., to Mayhew W. Dodson, M. D., for professional services, \$150.

PENSACOLA, FLA., *July 1, 1942.*

John J. McGuire, M. D., to Mr. Robert Griffin, Henderson Roofing Co. (referred by Dr. Dodson):

For professional services (physical therapy): \$24.

## STATEMENT

MILTON, FLA., April 5, 1943.

To Robert Griffin, in account with L. D. Wolfe: Ambulance work, February 18, 1942, \$25.

*To Whom This May Concern:*

This bill is true and correct and has not been paid.

L. D. WOLFE.

PENSACOLA, FLA., February 18, 1942.

Pensacola Hospital to Mr. Robert Griffin, Milton, Fla.:

To hospital room and care from February 18 to March 7, 1942, 17 days	
at \$3.25 per day-----	\$55.25
Operating room fee-----	10.00
Anesthetic-----	15.00
X-ray-----	7.50
Cast-----	2.00
Laboratory fee and pathological examination-----	5.00
Special medicine-----	1.00
Total-----	95.75

